

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No.

ORIGINAL

DA 10-0149

STATE OF MONTANA,

Plaintiff and Appellee,

v.

PAUL CLIFFORD GIESER,

Defendant and Appellant.

FILED

MAR 29 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## NOTICE OF APPEAL

Notice is hereby given that Paul Clifford Gieser, the Appellant above-named and who is the Defendant in the cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DC 2008-102C, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 27th day of January, 2010.

## THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by Mont. R. App. P. 27 will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature if applicable to this appeal.

4. That all relevant transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of Mont. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

Respectfully submitted this 29th day of March, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch, 2nd Floor  
P.O. Box 200145  
Helena, MT 59620-0145

By: Joslyn Hunt  
JOSLYN HUNT  
Chief Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Notice of Appeal upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

JENNIFER BRANDON  
Clerk of the District Court  
615 South 16th, Room 302  
Bozeman, MT 59715-4107

MARTY LAMBERT  
Gallatin County Attorney  
615 South 16th, Room 202  
Bozeman, MT 59715-4107

SANDRA K. MURPHY  
Electronic Court Reporter  
Law & Justice Ctr., Rm. 202  
615 South 16th Ave.  
Bozeman, MT 59715

PAUL GIESER  
28190 Norris Road  
Bozeman, MT 59718

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
Helena, MT 59620-1401

DATED: 3/29/2010 Sarah L. Braden